

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11323 OF 2006

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Date: 12-06-2006

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Between:

Nadendla Hanumantha Rao and another ... Petitioners

And

The District Collector and two
others ... Respondents

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THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11323 OF 2006

ORDER:

The two petitioners are residents of Kurravanipalem Village, Korisapadu Mandal. They are aggrieved that their representation dated 03-06-2006 for deletion of names of 21 ineligible voters from the voters' list of the village for the ensuing Panchayat

Raj elections, has not been considered by the third respondent-the Mandal Revenue Officer. They seek a direction to the third respondent to decide their representation before preparation of the final voters' list.

Petitioners claim that the respondents invited objections on the preliminary voters' list that was prepared for the ensuing Gram Panchayat elections. They found that 21 names were wrongly included in the preliminary voters' list without there being such persons living in the village. Therefore, they submitted a representation to the third respondent for deletion of these names from the voters' list. The petitioners' grievance is that the representation has not been disposed of by the third respondent.

Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 (for short "the Rules") ordains the procedure for lodging claims and objections on the publication of the electoral roll. Accordingly, any person wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall carry out consequential amendments in the Gram Panchayat electoral roll. Rule 6 further provides that in case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly electoral roll, the District Panchayat Officer may cause such errors to be rectified, so as to bring it in conformity with the particulars of the Assembly electoral roll concerned.

Learned counsel for the petitioners does not demur from the contention of the learned Government Pleader for Panchayat Raj that the Electoral Registration Officer i.e., the competent authority for entertaining claims or objections as to inclusion or exclusion of names from the electoral roll is the Revenue Divisional

Officer concerned, in this case, the second respondent.

The petitioners, however, erroneously submitted a representation to the third respondent. As the petitioners seek exclusion of names of 21 persons from the electoral roll, it is the second respondent, which is the competent authority. The petitioners' representation submitted to the third respondent is, therefore, incompetent. Realizing this predicament, learned counsel for the petitioners, submits that the third respondent may be directed to redirect the representation submitted by the petitioners on 03-06-2006 to the second respondent, who may consider the same as a claim lodged under Rule 6 of the Rules and dispose of the same, in accordance with law.

In the facts and circumstances of the case, the writ petition is disposed of, at the stage of admission, after hearing the learned Government Pleader for Panchayat Raj, directing the third respondent to forward/redirect the representation made by the petitioners to the second respondent forthwith. The second respondent shall consider and dispose of the claims of the petitioners for deletion of the names of 21 persons from the electoral roll of Kurravanipalem Village, expeditiously, and in any event, within a day from the date the representation of the petitioners is forwarded to the said respondent from the office of the third respondent. Nothing in this order, shall be construed as entitling the petitioners for deletion of the names of 21 persons from the electoral roll, unless an appropriate order in this behalf is passed by the second respondent and such order is capable of ensuring the deletion of names of the 21 persons as sought for by the petitioners from the electoral roll, in accordance with law. No costs.

(Goda Raghuram, J)

Dated 12th June, 2006

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